

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: NAE
FILE NUMBER: NAE-2005-2134

REGULATORY PROJECT MANAGER: Rose **Date:** 7/28/05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office X (Y) **Date:** 7/21/05
 At the project site X (Y) **Date:** 7/22/05

PROJECT LOCATION INFORMATION:
 State: Connecticut
 County: Fairfield, Trumbull, CT
 Center coordinates of site by latitude & longitudinal coordinates: 41° 17' 36" W 73° 14' 03"
 Approximate size of site/property (including uplands & in acres): 9 ac
 Name of waterway or watershed: Saugatuck

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream	X								
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?		X			
Is or would be used as habitat by other migratory birds that cross state lines?		X			
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or **Approved** X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce Connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): For detailed information see 7/28/05 MFR for File

The parcels total approximately 9+ acres of predominantly industrial and commercial development and a single residential parcel that has been re-zoned as commercial. The 4,621 sf (0.11 acre) wetland and intermittent waterway under consideration originates as a result of the collection of stormwater in a detention basin offsite, and flows in a southwesterly direction until it apparently terminates at the bituminous parking area for 41 Monroe Turnpike. After a rainfall, water from the drainage feature overtops the parking area and either infiltrates into the sediments below or is removed through evaporation. A detailed search of the site and a review of historic development plans failed to identify the presence of an underground drainage pipe, functioning or otherwise, at 41 Monroe Turnpike.

Consequently, there does not appear to be a direct hydrological connection to the Old Mine Park road sedimentation basin that flows under Monroe Turnpike with a potential connection to Waters of the U.S.

The drainage feature is located 300 feet away from a sedimentation basin at 41 Monroe Turnpike that is the nearest hydrological connection to a Water of the U.S. This basin does not appear to support wetland functions or wildlife habitat that are of ecological significance. In addition, the subject wetland and drainage feature are approximately 700 feet away from the nearest wetland associated with a watercourse, and 1000' away from the nearest watercourse that consists of an unnamed tributary to the Pequonnock River. Finally, it is completely surrounded by developed industrial area and state highway. For these reasons it is logical to conclude that the wetland and waterway at the site is not ecologically adjacent to other Waters of the U.S.

Other waters and wetlands that are federal jurisdictional wetlands/waters are not present at the site. The south sedimentation basin at 41 Monroe Turnpike likely has a hydrological connection to another Water of the U.S. and may be considered such itself. However, it outside of the proposed delineated property under consideration.